

REMARKS

Claims 19-21 and 23-44 are currently pending in the application. Claims 19, 24-26, 32, 34 and 44 have been amended herein. Claims 1-18 and 22 have been previously canceled. No new matter has been added. Applicants submit that all pending claims are in condition for allowance. Applicants respectfully request reconsideration of the outstanding rejections and allowance of all pending claims in view of the reasons set forth below.

I. Summary of Objections and Rejections

The Specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claim 19, 24-26 and 34 have been objected to because of informalities.

Claim 44 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 19-33 and 34-44 has been rejected under 35 U.S.C. § 101. The Examiner asserts that the claimed invention is directed to non-statutory subject matter.

Claims 19-21, 27-29, 31, 33-34, 36, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,256,625 B1 to Breyer et al. (hereafter “Breyer”) in view of U.S. Patent 5,911,066 to Williams et al (hereafter “Williams”).

Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of U.S. Patent 5,986,667 to Jevans, (hereafter “Jevans”).

Claims 30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of U.S. Patent Application Publication 2003/0041163 A1 to Rhoades et al. (hereinafter “Rhoades”).

Claims 35, 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of U.S. Patent 6,823,524 B1 to Hewett, (hereafter “Hewett”).

II. Objections to the Specification

The Specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner indicates that claims 23-24 and 26-33 refer to a computer program product embodied on a computer readable medium, however the specification does not disclose a computer readable medium. *See* Office Action, page 2, § 1. Applicants respectfully submit that claims 23-24 and 26-33 do not recite a computer readable medium. It appears that the Examiner is referring to claims 34-44.

Applicants have amended the Specification to recite “a computer readable medium” on the second paragraph of page 3 of the Specification. Support for this amendment can be found in the originally filed claims 34-44. Accordingly, Applicants respectfully submit that the amendment to the Specification does not constitute new matter. Applicants respectfully request the Examiner to reconsider and withdraw the objection to the Specification.

III. Objections to the Claims

Claims 19, 24-26 and 34 have been objected to because of informalities. Applicants have amended claims 19, 24-26 and 34 as suggested by the Examiner. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the objections to the claims.

IV. Claim Rejections under 35 U.S.C. § 112

Claim 44 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner indicates that the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. *See* Office Action, page 3, § 5.

Applicants have amended claim 44 to delete the phrase “such as” as suggested by the Examiner. Amended claim 44 recites “wherein the instructions are originated from code written with an object-oriented programming language, the object-oriented programming language comprising one or more of C++, C# and Java.”

Applicants believe that the amendment to claim 44 addresses the Examiner's concerns. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 44 under 35 U.S.C. § 112.

V. Claim Rejections under 35 U.S.C. § 101

Claims 19-33 and 34-44 has been rejected under 35 U.S.C. § 101. The Examiner asserts that the claimed invention is directed to non-statutory subject matter.

Claim 22 has been previously canceled, thus the rejection of claim 22 is moot.

Regarding claims 19-21 and 23-33, the Examiner indicates that Applicant describes the functionality of an interface, a data processor, and a data server but does not disclose any hardware structure.

Applicants have amended claim 19 to recite "a system" comprising "a data source holding acquired data" and "a computing device comprising" "a processor" and "a secondary memory comprising a data server." Applicants respectfully submit that the data source, the computing device, the processor and the secondary memory are hardware structures of the system recited in claim 19. Support for amendments to claim 19 may be found at Figure 3 and page 7, last ¶ - page 8, first ¶ of the Specification. Applicants believe that the amendment to claim 19 addresses the Examiner's concerns. Claims 20, 21 and 23-33 depend from amended claim 19 and, as such, incorporate each and every element of amended claim 19. Dependent claims are allowable for the same reasons presented for claim 19. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 19-21 and 23-33 under 35 U.S.C. § 101.

Regarding claims 34-44, Applicants have amended claim 34 to recite a "physical" computer readable medium and believes this amendment clearly distinguishes the claimed medium from the transmission media mentioned by the Examiner.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 34-44 under 35 U.S.C. § 101.

VI. Claim Rejections under 35 U.S.C. § 103A. Claims 19-21, 27-29, 31, 33-34, 36, and 42-43

Claims 19-21, 27-29, 31, 33-34, 36, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breyer in view of Williams.

1. Claim 19

Applicants respectfully submit that Breyer and Williams, alone or in any reasonable combination, fail to disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data** as recited in claim 19.

In the Office Action, the Examiner correctly indicates that Breyer does not explicitly disclose these claim elements. The Examiner relies on Williams to supply these claim elements. Applicants respectfully disagree.

Williams discusses a data transfer mechanism. Williams indicates that in order to perform data transfer between two computer programs, the method establishes a connection between the computer programs transferring data and invokes a uniform data transfer mechanism to perform the data transfer. *See* Col. 2, lines 60-64. The uniform data transfer mechanism (UDT) includes a mechanism and interface to computer programs so that the computer programs may transfer data in a uniform manner after a connection is established. *See* Col. 5, lines 54-58.

Williams does not disclose or suggest a **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data** as recited in claim 19. In contrast, Williams discusses a single data sink retrieving a pointer and accessing the object. *See* Col. 15, lines 27-31. Figures 11, 13, 15-17 all illustrate a single data sink. Williams is concerned with data transfer between two computer programs, one being the data source and the other one being the data sink. As such, Williams does not discuss, and is not concerned with, sharing the data object among *multiple data sink objects* to prevent extraneous copies of the data.

Additional sections identified by the Examiner refer to the client being data independent. *See* Col. 5, lines 13-15. The data independence allows the developer of the client to write code which allow for the support of new types of data and interactions with new computer programs without having to change the code of the client. *See* Col. 5, lines 15-18. As such, the data independence is a method to improve the client. The code independence is irrelevant for, and does not disclose or suggest, the data object being shared among multiple data sink objects to prevent extraneous copies of the data.

The Examiner further cites to the section of Williams discussing UDTs being used to communicate with an object, other clients or servers. A developer uses the programmatic transfer mechanism that provides the developer with access to UDT. Access to UDTs provides a tool that developers may use to test computer programs which transfer data. *See* Col. 17, lines 34-47. However, this section is silent about sharing the same data object among the multiple data sink objects to prevent extraneous copies of the data.

In light of the above remarks, Applicants respectfully submit that the combination of Breyer and Williams fails to disclose or suggest each and every element of claim 19. Specifically, the combination of Breyer and Williams fails to disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 19 under 35 U.S.C. § 103(a).

2. Claims 20-21, 27-29, 31 and 33

Claims 20, 21, 27-29, 31 and 33 depend from amended claim 19 and, as such, incorporate each and every element of amended claim 19. In light of the arguments presented above, Breyer and Williams, alone or in combination, do not disclose or suggest each and every element of claims 20, 21, 27, 28, 31 and 33. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 20, 21, 27-29, 31 and 33 under 35 U.S.C. § 103(a).

3. Claim 34

Claim 34 recites similar elements to amended claim 19. Specifically, claim 34 recites, among other elements, **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**. In light of the arguments presented above for claim 19, Breyer and Williams, alone or in combination, do not disclose or suggest at least this claim element. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 34 under 35 U.S.C. § 103(a).

4. Claims 36, 42 and 43

Claims 36, 42 and 43 depend from claim 34 and, as such, incorporate each and every element of claim 34. In light of the arguments presented above, Breyer and Williams, alone or in combination, do not disclose or suggest each and every element of claims 36, 42 and 43. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 36, 42 and 43 under 35 U.S.C. § 103(a).

B. Claims 23-26

Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of Jevans.

As presented above, Breyer and Williams, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data** as recited in claim 19. Claims 23-26 depend from claim 19 and, as such, incorporate the patentable subject matter of claim 19. Jevans fails at curing the shortcomings of Breyer and Williams with regard to at least this claim element.

Jevans does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 19. Jevans discusses attaching a renderer to a view object by calling a procedure and passing in the view object and the renderer object. Thus, in Jevans, the data object is not shared among multiple data sink objects.

Breyer, Williams and Jevans, alone or in combination, do not disclose or suggest each and every element of amended claim 19. Accordingly, claims 23-26 are in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 23-26 under 35 U.S.C. § 103(a).

C. Claims 30 and 32

Claims 30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of Rhoades.

As presented above, Breyer and Williams, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in amended claim 19. Claims 30 and 32 depend from claim 19 and, as such, incorporate the patentable subject matter of claim 19. Rhoades fails at curing the shortcomings of Breyer and Williams with regard to at least this claim element.

The sections of Rhoades identified by the Examiner discuss real-time streams of data that can be framed into self contained segments [0127]. Rhoades also discusses that streams of datagrams flow between processors [0132]. Rhoades further discusses forwarding the datagrams as a whole [0151]. Thus, Rhoades does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 19.

Breyer, Williams and Rhoades, alone or in combination, do not disclose or suggest each and every element of claim 19. Accordingly, claims 30 and 32 is in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claim 32 under 35 U.S.C. § 103(a).

D. Claims 35 and 37-41

Claims 35 and 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Williams, and further in view of Hewett.

As presented above, Breyer and Williams, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 34. Claims 35 and 37-41 depend from claim 34 and, as such, incorporate the patentable subject matter of claim 34. Hewett fails at curing the shortcomings of Breyer and Williams with regard to at least this claim element.

Hewett is cited by the Examiner to provide teachings for the feature added in claims 35 and 37-41. Hewett discusses managing the distribution of events in a data processing system. Hewett, however, does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 34.

Breyer, Williams and Hewett, alone or in combination, do not disclose or suggest each and every element of claim 34. Accordingly, claims 35 and 37-41 are in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 35 and 37-41 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-035RCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: July 3, 2008

Respectfully submitted,

/jsc/

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